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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,351	07/26/2006	Atsushi Kurabayashi	040894-7478	6618

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MORGAN LEWIS & BOCKIUS LLP  
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WASHINGTON, DC 20004

EXAMINER
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CUMBESS, YOLANDA R

ART UNIT	PAPER NUMBER
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3651

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,351	<b>Applicant(s)</b> KURABAYASHI ET AL.	
	<b>Examiner</b> YOLANDA CUMBESS	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Applicant Remarks/Amendments, filed 3/15/2010, with respect to Sasaki have been fully considered. The final Rejection of 12/17/2009 has been withdrawn. This action is Non-Final.

### ***Restriction Requirement***

Applicant's election with traverse in Applicants Remarks/ Amendments in the reply filed on 3/15/2010 is acknowledged. The traversal is on the ground(s) that the inventions are not mutually exclusive. This is not found persuasive because claims 1-16, and 17-18 are drawn to independent and related inventions that are mutually exclusive. Claims 17-18 require limitations which do not read on claims 1-16 and therefore, the device of claims 17-18 does not necessarily infringe on the device of claims 17-18. The additional limitations of claims 17-18 require a separate search.

As mentioned in the previous action, newly submitted claims 17-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the binding processing device as mentioned in claims 1-16 do not require: the housing comprising a first end and a second end; binding processing device having a first longitudinal axis; sheet guide unit; sheet table unit disposed between the sheet guide unit; surface connected to the sheet table; clamp secured to the sheet table with a raised portion and a lowered configuration; binding mechanism section including a binder cartridge and upper and lower binding ring pushers; the sheet forward end

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regulating plate is opposite the binder cartridge and adjacent the sheet table and includes an extended position and retracted position as recited; or first configuration and second configuration for binding the first and second sheets as claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 11 and 16 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sakata et al (US Patent No. 7,665,925; also USPG Pub. 2005/0175434; also PCT Pub. WO03093025). Relative to claims 1, 3-6, and 16, Sakata discloses a binding processing apparatus (Fig. 4) comprising: a sheet table (52)(Fig. 4) on which sheets of paper punched by a punching device are stacked; a binding mechanism section (53)(Fig. 4) in which a division ring type binder (13, 14)(Fig. 1) is simultaneously attached to a plurality of punch holes of one set of sheets of paper stacked on the sheet table (52)(Fig. 4); a first positioning

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mechanism (54)(Fig. 4) for positioning the sheets of paper in a sheet conveyance direction; and a second positioning mechanism (64)(Fig. 4) for positioning the sheets of paper in a direction perpendicular to the sheet conveyance direction (Col. 9, lines 18-25), the first and the second positioning mechanism (54, 64)(Fig. 4) position the sheets of paper so that the punch holes on the sheets of paper agree with a binding piece (11)(Fig. 1) that simultaneously interlocks with the plurality of punch holes at a time of binder attaching processing, and the first positioning mechanism (54)(Fig. 4) includes a sheet forward end position regulating plate (58)(Fig. 4) capable of being retracted and provided at a forward end portion of the sheet table (52) as a reference of aligning the forward end portions of the sheets of paper, and after one set of sheets of paper is positioned, the sheet forward end position regulating plate (58) is retracted and the one set of sheets of paper are sent to the binding mechanism section (53)(Col. 9, lines 45-67); the second positioning mechanism (54) is capable of being raised and retracted from the sheet table (52); an upper side slide pin (59)(Fig. 4) capable of descending downward from an upper position of the sheet table (52) to the sheet table, wherein the upper side slide pin is inserted into a punch hole formed on the sheets of paper on the sheet table (52) so as to position the sheets of paper on the basis of the punch hole (Col. 9, lines 4-12; lines 45-55); a movable clamp (65)(Fig. 4) for clamping the sheets of paper after the sheets of paper have been positioned by the upper side slide pin (59), and the slide pin (59) is retracted and the sheets of paper are sent to the binding mechanism section (53) after the sheets of paper are clamped (Col. 9, lines 24-36); after the upper side slide pin (59) positions the sheets of paper and the movable clamp

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(65) clamps the sheets of paper, the slide pin (59) is retracted and the movable clamp (65) is released so as to prepare for a supply of the next sheets of paper (Col. 64-67; Col. 10, lines 1-5).

Relative to claim 16, Sakata discloses: a sheet table (52); a binding mechanism section (53); first positioning mechanism (54); second positioning mechanism (64); wherein the first and the second positioning mechanisms (54, 64) position the sheets of paper such that the punch holes on the sheets of paper agree with a binding piece (11) and the sheet forward end position regulating plate (58) is retracted at a time of binder attaching processing (Col. 9, lines 1-24).

Sakata does not expressly disclose a punching device or a booklet discharge mechanism in the illustrated embodiment. However, Sakata teaches that the binding device may be mounted in a composite image-forming and sheet processing apparatus that further includes a multiple-hole punching device for punching and binding the paper collectively (Col. 10, lines 15-20).

Sakata also teaches that the binding apparatus may include a booklet discharge mechanism as part of a paper feed device in order to perform a series of automated operations including binding and discharging the sheets instead of a manual operation. (Col. 10, lines 10-20). Moreover, providing a binding processing apparatus including a punching device and booklet discharge mechanism as mentioned above is well known in the art (See Sakata JP 2003-212425).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sakata with the punching device and booklet discharge

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mechanism for the purpose of providing a composite binding processing device that is capable of performing a series of automated operations including binding and discharging the sheets, and which can punch and binding the paper collectively.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata as applied to claim 1 above, and further in view of Okumura et al (US Patent No. 6,089,558). Relative to claims 10, Sakata discloses all claim limitations, but does not expressly disclose: a sheet table moving mechanism for advancing the sheet table to the binding mechanism section and for retracting the sheet table from the binding mechanism section; and a sheet table rotating mechanism for rotating the sheet table from a position opposed to the binding mechanism section so as to discharge the sheets of paper.

Okumura teaches a sheet table moving mechanism (5, 53)(Fig. 1) for advancing the sheet table (43)(Fig. 1) to the binding mechanism section (6)(Fig. 1)(Col. 4, lines 43-53) and for retracting the sheet table (43) from the binding mechanism section (6)(Col. 4, lines 50-56; Col. 5, lines 7-25) ; and a sheet table rotating mechanism (34)(Fig. 1)for rotating the sheet table (43) from a position opposed to the binding mechanism section so as to discharge the sheets of paper (Col. 5, lines 28-40), for the purpose of providing a sheet handling unit that realizes an aligned state of sheets sets in a sheet stacker and which stacks sheet sets without damaging the surface of the sheets (Col. 1, lines 58-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sakata with the sheet table moving mechanism and sheet table rotating mechanism as taught in Okumura for the purpose of providing a sheet handling unit that realizes an aligned state of sheets sets in a sheet stacker and which stacks sheet sets without damaging the surfaces of the sheets.

### ***Allowable Subject Matter***

Claims 7-9, and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



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